

OCT 31 2005

PTO/SB/21 (09-04)

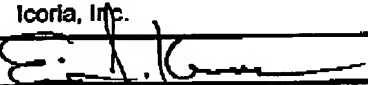
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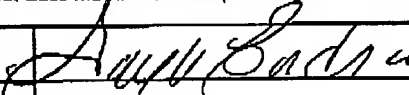
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/803,132	
	Filing Date	March 17, 2004	
	First Named Inventor	Matthew M. Tanzer et al.	
	Art Unit	1655	
	Examiner Name	Christopher Bull	
Total Number of Pages in This Submission	142	Attorney Docket Number	2160US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply (10 sheets) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (1 sheet) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement 4 sheets with four references enclosed. A copy of the International Search Report is also included. <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>RESPONSE TO RESTRICTION REQUIREMENT</b>
Remarks: <b>VIA FACSIMILE: 571-273-8300</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Icoria, Inc.		
Signature			
Printed name	Eric J. Kres		
Date	October 31, 2005	Reg. No.	45,941

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Gayle Endres	Date	October 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 31 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Matthew M. Tanzer et al.	Examiner:	Christopher Bull
Serial No.:	10/803,132	Group Art Unit:	1655
Filed:	March 17, 2004	Docket No.:	2160US
Title:	METHODS FOR THE IDENTIFICATION OF INHIBITORS OF PORPHOBILINOGEN DEAMINASE AS ANTIBIOTICS		
Conf. No.:	6137		

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**VIA FACSIMILE NO. 571-273-8300**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir or Madam:

This is in response to the Office Action dated September 29, 2005. The Examiner has required restriction between Group I (a method of identifying a test compound by binding to an Porphobilinogen Deaminase polypeptide) (claims 1-5), Group II (a fungal growth assay when a fungus is brought into contact with a candidate antibiotic compound) (claims 42-44), Group III (a fungal Porphobilinogen Deaminase activity assay) (claims 6-10), Group IV (a method to detect inhibition of fungal Porphobilinogen Deaminase expression) (claims 11-17), Group V (a method to differentially inhibit fungal growth and Porphobilinogen Deaminase expression) (claims 19-41), Group VI (an isolated nucleotide encoding a polypeptide) (claims 45-47), and Group VII (a polypeptide) (claims 48-49).

With respect to the Restriction Requirement, Applicants hereby elect without traverse to pursue the claims of Group I (claims 1-5) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

## RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/803,132

Filing Date: March 17, 2004

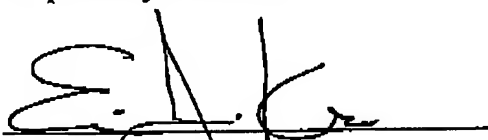
Title: METHODS FOR THE IDENTIFICATION OF INHIBITORS OF PORPHOBILINOGEN DEAMINASE AS ANTIBIOTICS

Page 2  
Dkt: 2160US

In the event that an extension of time is necessary to allow consideration of this paper, such as extension are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No: 50-0885.

The Examiner is invited to telephone Applicant's attorney (919-425-3770) to facilitate prosecution of this application.

Respectfully submitted,



Eric J. Kron

Registration Number 45,941

Attorney/Agent for Applicants

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I hereby certify that this correspondence is, on the date shown below, being:

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[X] transmitted by facsimile to the Patent and Trademark Office at 571-273-8300

Name: Gayle Endres

Signature: 

Date: 10/31/05